

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SSM MANAGED CARE )  
ORGANIZATION, LLC, et al., )

Plaintiffs, )

vs. )

Case No. 4:05CV1428 CDP

INTERNATIONAL ASSOCIATION )  
OF MACHINISTS AND )  
AEROSPACE WORKERS )  
WELFARE TRUST, DISTRICT )  
No. 9, et al. )

Defendants. )

**MEMORANDUM AND ORDER**

Before me is defendant CareAssist, Inc.’s motion for leave to conduct jurisdictional discovery. Although the parties have created a considerable record for review concerning plaintiff’s pending motion to remand, CareAssist contends that more discovery is necessary to resolve whether this Court has subject-matter jurisdiction. Specifically, CareAssist seeks to conduct discovery regarding the existence, or non-existence, of a valid assignment of benefits from the plan participant in question.

Pursuant to Fed. R. Civ. P. 26(b)(1), a court has the discretion to “order

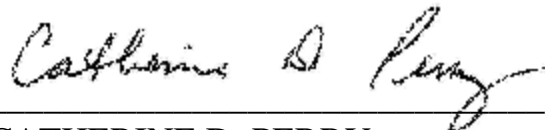
discovery of any matter relevant to the subject matter involved in the action.” I have reviewed all of the parties’ briefs as well as the applicable law and recognize that this Court’s subject matter jurisdiction could hinge on whether an assignment ever existed. Contrary to plaintiffs’ assertions, I find the record far from clear on this factual issue. I will therefore grant CareAssist’s motion for the limited purpose of addressing the issue of assignment.

Accordingly,

**IT IS HEREBY ORDERED** that defendant CareAssist, Inc.’s motion for leave to conduct jurisdictional discovery [# 41] is granted. CareAssist’s discovery shall be limited to the jurisdictional issues raised by plaintiffs in their Reply Memorandum In Support of Plaintiffs’ Motion to Remand. Any additional discovery shall be completed no later than **February 15, 2006**.

**IT IS FURTHER ORDERED** that CareAssist shall file a supplemental jurisdictional memorandum no later than **February 22, 2006**, and plaintiffs shall file any reply no later than **March 1, 2006**.

Dated this 4th day of January, 2006.



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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE